

Exhibit 9

DEVELOPMENTAL COUNSELING FORM

For use of this form, see FM 6-22; the proponent agency is TRADOC.

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army.
PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates.
ROUTINE USES: The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems or records notices also apply to this system.
DISCLOSURE: Disclosure is voluntary.

PART I - ADMINISTRATIVE DATA

Name (Last, First, MI)	Rank/Grade	Date of Counseling
Aguigui, Isaac	PFC/E3	20110415
Organization	Name and Title of Counselor	
Rear Detachment, HHT/6-8 CAV, 4AAB, 3ID	SSG Castleton, Richard; Squad Leader & S2 NCOIC	

PART II - BACKGROUND INFORMATION

Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling, and includes the leader's facts and observations prior to the counseling.)

- Event

o Failure to Report to 1400 Formation on 15 April 2011

PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

Key Points of Discussion:

PFC Aguigui, on 15 April 2011 you failed to report to 1400 formation at the Heritage Bank located at 32 Wurzburg Street, Fort Stewart, GA 31314. You were at the Division Change of Command Ceremony on the morning of 15 April 2011, following which SSG(P) Waldron informed the unit to be at the Heritage Bank to conduct Post Clean-Up at 1400. When you did not show up to the Heritage Bank at 1400, I called you to see where you were at which time you informed me that you were enroute to Rincon, GA with PVT Aranyos to pick up his vehicle from the shop. I asked you who authorized you and him to leave at which time you said SSG(P) Brunhoeber did, which is in fact incorrect as SSG(P) Brunhoeber informed PVT Aranyos he was not to leave and he was to be at the Heritage Bank at 1400. Additionally, you did not clear you leaving to go to Rincon through me, which I have previously discussed with you, as well as counseled you on 01 March 2011, as being the proper procedures. As I have previously counseled you on, YOU ARE NOT TO LEAVE POST OR DO ANYTHING OUTSIDE OF BEING AT SQUADRON HEADQUARTERS, BUIDLING 506, 158 CAVALRY WAY, FORT STEWART, GA 31314 DURING DUTY HOURS UNLESS IT IS AUTHORIZED BY ME! And whether or not PVT Aranyos was cleared to leave does not apply to you as you are not PVT Aranyos, you are PFC Aguigui and you belong to 3rd Squad of which I am the Squad Leader and I did not authorize you to leave post.

PFC Aguigui, this is your fourth negative event counseling in the last month and your second for failure to report this week; due to this string of events, I will be recommending you for UCMJ action IAW AR 27-10.

 If this conduct continues, action may be initiated to separate you from the Army under AR 635-200, Chapters 5, 9, 13, or 14. If you are involuntarily separated, you could receive an Honorable discharge, a General, under honorable conditions, discharge, or an Under Other Than Honorable conditions discharge. An Honorable discharge may be awarded under any provision. A General discharge may be awarded for separation UP Chapters 5, 9, 13, and 14. An Under Other Than Honorable conditions discharge may be awarded for separation UP Chapter 14. If you receive an Honorable discharge, you will be qualified for most benefits resulting from military service. An involuntary Honorable discharge, however, will disqualify you from reenlistment for some period of time and may disqualify you from receiving transitional benefits and the Montgomery G.I. Bill. If you receive a General discharge, you will be disqualified from reenlisting in the service for some period of time and you will be ineligible for some benefits including the Montgomery G.I. bill. If you receive an Under Other Than Honorable conditions discharge, you will be ineligible for reenlistment and for most benefits including payment for accrued leave, transportation of dependents and household goods to home, transitional benefits and the Montgomery G.I. Bill. You may also face difficulty in obtaining civilian employment, as employers have a low regard for the General and Under Other Than Honorable conditions discharges. Although there are agencies to which you may apply to have the character of your discharge changed, it is unlikely that any such applications will be successful.

OTHER INSTRUCTIONS

This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.

Plan of Action (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below)


- YOU ARE NOT TO LEAVE POST OR DO ANYTHING OUTSIDE OF BEING AT SQUADRON HEADQUARTERS, BUILDING 506, 158 CAVALRY WAY, FORT STEWART, GA 31314 DURING DUTY HOURS UNLESS IT IS AUTHORIZED BY ME!

- You will be recommended for UCMJ action IAW AR 27-10

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled: ☒ I agree | ☐ disagree with the information above.

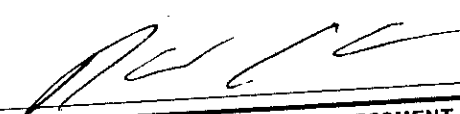
Individual counseled remarks:

Signature of Individual Counseled: 

Date: 15 APR 2011

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

- Ensure Soldier fully understands the procedures for him being authorized to do anything outside the normal duty day
- Ensure Soldier understands why he is being recommended for UCMJ IAW AR 27-10

Signature of Counselor: 

Date: 20110415

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

Counselor: _____

Individual Counseled: _____

Date of Assessment: _____